

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

TERRANCE VANOCHTEN,	:	Civil No. 1:25-CV-00133
	:	
Petitioner,	:	
	:	
v.	:	
	:	
UNITED STATES OF AMERICA,	:	
	:	
Respondent.	:	Judge Jennifer P. Wilson

**MEMORANDUM**

On January 21, 2025, the court received and docketed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241 from Terrance Vanochten (“Petitioner”), a prisoner confined at the Federal Correctional Institution Allenwood-Low (“FCI-Allenwood”). (Doc. 1.) For the reasons discussed below, the court will dismiss the petition without prejudice.

**DISCUSSION**

Under Rule 4 of the rules governing habeas corpus petitions under 28 U.S.C. § 2254, a district court must promptly review a petition and dismiss it if it is plain from the face of the petition that the petitioner is not entitled to relief. 28 U.S.C. § 2254, Rule 4. District courts have the discretion to apply this rule in habeas corpus cases brought under 28 U.S.C. § 2241. 28 U.S.C. § 2254, Rule 1.

In 2004, the Supreme Court made it clear that petitions filed pursuant to § 2241 must be filed against a person:

The federal habeas statute straightforwardly provides that the proper respondent to a habeas petition is “the person who has custody over [the petitioner].” 28 U.S.C. § 2242; see also § 2243 (“The writ, or order to show cause shall be directed to the person having custody of the person detained”). The consistent use of the definite article in reference to the custodian indicates that there is generally only one proper respondent to a given prisoner's habeas petition. This custodian, moreover, is “the person” with the ability to produce the prisoner’s body before the habeas court. *Ibid.*

*Rumsfeld v. Padilla*, 542 U.S. 426, 434–35 (2004). The United States is not a person within the meaning of 28 U.S.C. § 2242. Therefore, the United States is not the correct Respondent in this case.

The Third Circuit has upheld the general rule that in a § 2241 petition, the Petitioner “should name his warden as respondent and file the petition in the district of confinement.” *Anariba v. Director Hudson County Correctional Center*, 17 F.4th 434, 444 (3d Cir. 2021) (citing *Padilla*, 542 U.S. at 441). Therefore, this petition will be dismissed without prejudice, and Petitioner may file an amended petition within 30 days naming the correct respondent.

### CONCLUSION

For the foregoing reasons, the court will dismiss the petition without prejudice to Petitioner naming a proper Respondent in this action.

s/Jennifer P. Wilson  
JENNIFER P. WILSON  
United States District Judge  
Middle District of Pennsylvania

Dated: February 24, 2025